REMARKS

In the Office Action under reply, restriction among the claims was required as follows:

Group I, claims 1-23, 34-40 and 60, which the Examiner characterizes as "a method and apparatus and computer program generating both an encoded copy control password and a related reference password including delivering both passwords, decoding the copy control password, comparing it to a reference password and enabling copying if there is a relationship between the two;"

Group II, claims 24-33, which the Examiner characterizes as "drawn to an information signal, data carrier and apparatus including single encoded password checking to allow copying;" and

Group III, claims 41-59, which the Examiner characterizes as "drawn to a method of copy control allowing three variations of a copy status code, depending on whether copying is allowed, not allowed, or conditionally allowed."

It is respectfully submitted that Group II claims 24-33 should be grouped together and examined with Group I claims 1-23, 34-40 and 60 because the independent Group II claims 24 and 31 are amended herein to establish that the subject matter of these claims does not necessarily exhibit separate utility from the subject matter of the Group I claims. In explaining why, in his view, the claims of Group II should be restricted from the claims of Group I, the Examiner states: "invention II has separate utility such as use with only one password." As amended, the Group II claims now include the same recitation as the Group I claims, thereby establishing utility that is not separate, namely, "... copy control data including a copy control password securely encoded according to a predetermined algorithm" and the reference password, which, of course, means that "invention II" is used with two passwords: the copy control

password and the reference password. Accordingly, Applicant elects, **with traverse**, claims 1-23, 34-40 and 60; and respectfully requests the Examiner withdraw his requirement for restriction between the Group I claims and that claims 1-40 and 60 be examined on their merits.

Furthermore, it is submitted that a search for the invention defined by the Group I claims will require a search that encompasses the Group II claims. Therefore, if the present requirement for restriction between the Group I claims on the one hand and the Group II claims on the other is maintained, the logical result will be the filing of a divisional application to include the non-elected claims. Of course, this will mean that the examination of such claims will be delayed. However, since the search for the claims included in the divisional application will overlap with and, in all probability, be identical to the search that is to be conducted on the elected claims, the primary effort needed to examine both applications will be repeated. Furthermore, it is likely that the same Examiner will be in charge of the divisional case; but in light of the delay between the prosecution of the present application and that of the divisional application, the Examiner will have to conduct a duplicate, redundant search at a later time. Alternatively, if a different Examiner is assigned to the divisional application, a significant loss of PTO efficiency will result in his examination of that divisional case. After all, the present Examiner will be the individual in the best position to examine both applications and he will be fully familiar with the subject matter of the divisional application.

Therefore, since the only logical outcome of the present requirement for restriction between the Group I claims and the Group II claims would be to delay the examination of the Group II claims, resulting in inefficiencies on the part of the Office and unnecessary expenditures by Applicant, and since a single search can be done for both sets of claims without any significant burden on the Office, the withdrawal of the instant requirement for restriction

between the claims of Group I and the claims of Group II and the examination on the merits of claims 1-40 and 60 are respectfully solicited.

Respectfully submitted,
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